

## **TOWN OF AMHERST BOARD OF HEALTH REGULATIONS**

### **Regulations for Refuse Collection and Mandatory Recycling**

These regulations are promulgated under the authority of M.G.L. c. 111, ss.31, 31 A, 31 B and 150 A, M.G.L. c. 40 A through 44 F, Site Assignment Regulations for Solid Waste Facilities (310 CMR 16.00) and (310 CMR 19.00) Part III: Transfer Station Design and Operations Standards Chapter 105 (Sections 400.00 - 411.00 of the State Sanitary Code, Articles I & II) of the Code of Massachusetts Regulations (CMR), and Article 3 of the Town By laws.

#### **Section 1--Purpose**

To comply with [Articles I & II of the State Sanitary Code](#) and to meet the goal of integrated waste management (as described in the Third Annual Progress Report on the Beyond 2000 Solid Waste Master Plan-Commonwealth of Massachusetts Solid Waste Master Plan 1997), the Town of Amherst adopts the following regulations. These regulations provide for the collection of refuse and recyclables and the removal of items that are banned from burial or incineration that can be handled more effectively in other ways.

#### **Section 2--Applicability**

These regulations apply to Owners as defined in Chapter 105, Section 410.020, of the CMR, Tenants, and Property Managers acting on behalf of Owners or Tenants of all residential, multifamily, commercial, and institutional sites in Amherst, and to Waste Haulers licensed by the Amherst Board of Health (BOH).

#### **Section 3--Definitions**

Barrel: a 32-gallon refuse receptacle, not to exceed 50 pounds when full.

Brush: woody prunings and debris from trees, shrubs and bushes – 12 inches or less in diameter and less than 4 feet in length.

Commercial, Institutional, and Multifamily Recyclables: materials that have the potential to be recycled and which are pre-sorted and not contaminated by significant amounts of toxic substances. These materials include, but are not limited to, corrugated cardboard, newspaper, paper, and glass, metal, and plastic (grades #1-7) containers.

Construction and Demolition Waste: waste building materials and rubble resulting from the construction, remodeling, repair or demolition of buildings.

Curbside Recyclables: source-separated materials collected as part of the curbside recycling program in Amherst. Includes mixed papers and mixed containers.

Garbage: putrescible waste, typically from food preparation.

Half Barrel: a 15-gallon refuse collection receptacle, not to exceed 25 pounds when full.

Hazardous Waste: any waste that is defined and regulated under 310 CMR 30.00: Hazardous Waste as may be amended.

Mixed Containers: combined glass, metal, plastic, and aseptic food or beverage containers for recycling purposes.

Multifamily: three or more dwelling units located on the same property site.

Owner: person(s), corporations(s), partnership(s) or other legal entity that holds legal title to any premises who shall be ultimately responsible for compliance with these regulations, as defined in Chapter 105, Section 410.020, of the CMR.

Paper Recyclables: materials including, but not limited to, corrugated cardboard, newspaper, magazines, catalogs, newspaper inserts, office paper, colored office paper, junk mail with or without plastic windows, and boxboard (e.g. cereal boxes, shoe boxes). Currently excluded for recycling are: pizza boxes, egg cartons, waxed paper, waxed cardboard, waxed boxboard, and paper with a plastic layer.

Receptacle: refuse repository made of metal or other durable, rodent-proof material, as defined in Chapter 105, Section 410.600(A), of the CMR.

Refuse: putrescible or non-putrescible, combustible or noncombustible solid waste materials, including garbage and rubbish, but excluding hazardous wastes, sewage, or liquid wastes, as herein defined.

Residential: property site with fewer than three dwelling units.

Residential and Multifamily Recyclables: materials that have the potential to be recycled and which are pre-sorted and not contaminated by significant amounts of toxic substances. These materials include, but are not limited to, corrugated cardboard, newspaper, paper, and glass, metal, and plastic (grades #1-7) containers.

Rubbish: putrescible or non-putrescible, combustible or noncombustible solid waste materials, but excluding hazardous wastes, sewage, or liquid wastes.

Solid Waste: any unwanted or discarded solid material, such as garbage and rubbish.

Tenant: person(s), corporation, partnership or other legal entity having occupancy and/or possession of any premises whether under written agreement, tenancy at will, tenancy at sufferance or otherwise.

Tote/Toter: a refuse collection container with wheels and a capacity of 30, 45, or 96-gallons designed for mechanical loading into refuse collection trucks.

Variance: a modification of the provisions described in these regulations that achieves the same purpose and that is approved by the BOH.

Waste Hauler: any person or business duly licensed to collect refuse within the Town of Amherst.

White Goods: appliances employing electricity, oil or natural gas or liquefied petroleum gas to supply heat or motive power to preserve or cook food, to wash or dry clothing, cooking or kitchen utensils or related items or to cool or heat air or water.

Yard Waste: leaves, grass clippings, weeds, hedge clippings, and garden materials.

#### **Section 4--Waste Haulers**

4.1 Every Waste Hauler must be duly licensed by the Amherst Health Department on an annual basis (January 1 - December 31) to operate within the Town of Amherst.

4.2 Waste Haulers must maintain an updated customer list that includes the name and addresses of their customers, the type of service (e.g. one barrel), and the pickup schedule, and provide such list to the town enforcement agent if requested.

4.3 Waste Haulers must not accept a load with greater than 5% by volume of recyclable materials. No Waste Hauler shall accept hazardous wastes, sewage, or liquid wastes. In addition, every Waste Hauler must report violations of this provision to the Department of Public Works (DPW) superintendent or his/her designee.

4.4. Waste Haulers shall offer residential customers recycling services and a unit-based user fee system, by weight or volume, which covers costs for waste collection and disposal.

#### **Section 5--Property Owners, Managers, and Tenants**

Part I: Refuse Collection

5.1. Except when a variance has been approved by the Amherst BOH or its agent, every residential, commercial, or multifamily property Owner, Manager, or Tenant, as defined in Chapter 105, Sections 410.600 A-D and 410.602 B-D, of the CMR, shall:

(A) Contract with a licensed Waste Hauler for refuse collection which provides for a weekly pick up at minimum. Pickup must be more often if refuse constitutes a health problem. Health problems may include evidence of strewn garbage bags or evidence of rodents.

(B) Use refuse receptacles meeting the standards defined in Chapter 105, Section 410.600(A), of the CMR (i.e., made of metal or other durable, rodent-proof material).

(C) Not place receptacles at curbside for pickup earlier than the day of collection, as per Chapter 105, Section 410.600(B), of the CMR.

(D) Any establishment discarding more than one gallon of grease per week must contract with a licensed rendering service. All grease must be stored in receptacles of metal or other durable, rodent-and waterproof material.

5.2 No Owner, Manager, or Tenant may include more than 5% by volume of recyclable materials in their refuse.

5.3 Every owner or manager of a multi-family dwelling unit or of a commercial property or institution must develop and maintain a written plan for refuse storage and disposal. This plan must be available if requested by the Board of Health or its agent.

## Part II: Recycling and other items

A list of materials accepted at the Amherst Transfer Station and Recycling Center for recycling or special handling is available there or at the DPW. For more information on banned materials go to the [DEP Information on Waste Bans at www.mass.gov/dep/recycle](http://www.mass.gov/dep/recycle). For info on the State Sanitary Code go to: [www.mass.gov/state+sanitary+code+regulations](http://www.mass.gov/state+sanitary+code+regulations)

5.4. Unless a variance has been approved by the BOH or its agent, every Owner, Manager, or Tenant must have contracted recycling services.

(A) Every Owner or Manager who receives curbside recycling services shall place a blue recycling bin for paper (or a durable container of the same color, not to exceed 18 gallons) and a red recycling bin for mixed containers (or a durable container of the same color, not to exceed 18 gallons) at the curb for alternating weekly collection. Residential and multifamily Property Owners or Managers are responsible for obtaining replacement recycling bins, available at the DPW.

(B) Every Owner, Manager, or Tenant of a multifamily dwelling unit and Owner, Manager, or Tenant of a commercial property or institution must develop and maintain a recycling plan. The assistance of the Town of Amherst Recycling Coordinator is available. This plan must be available if requested by the Board of Health or its agent.

5.5. Every Owner, Manager, or Tenant shall be responsible for the proper disposal of hazardous wastes and any other materials needing special treatment.

## **Section 6--Ownership of Recyclables**

6.1. Upon placing recyclable materials at curbside for collection as part of the Town recycling program, such materials become the property of the Waste Hauler. No person or business, other than licensed or authorized agents of the Town acting in the course of their employment, may collect any recyclable materials so placed.

6.2 Any licensed Waste Hauler may become a "designated Waste Hauler for the Town of Amherst" by applying at the DPW. Such designated Waste Hauler may access the Springfield Materials Recycling Facility and must bring all recyclables collected in Amherst to the Springfield Materials Recycling Facility and recycling tonnages shall be credited to the Town of Amherst.

## **Section 7--Penalties**

7.1. Any Waste Hauler violating any provision of these regulations shall be fined two hundred and fifty dollars for each such violation.

7.2. Any Owner, Manager, or Tenant who violates Sections 5.1, 5.2 and/or 5.5 shall be fined a minimum of ten dollars and not more than five hundred dollars for each week of such violation, as adopted here by the Board of Health and authorized by Chapter 105, Sections 410.910 and 410.920, of the CMR.

7.3. Any Owner or Manager who violates Section 5.3 shall be fined fifty dollars for the first month and fifty dollars per day for each day thereafter that the violation continues.

7.4. Any Owner, Manager, or Tenant who violates Section 5.4 shall be fined fifty dollars each week of each such violation for the first month and fifty dollars per week thereafter.

7.5. The Town of Amherst may pursue a criminal complaint against any party with four or more violations of these regulations within a one-year period. The Town of Amherst may also revoke the license of any Waste Hauler with four or more violations of these regulations within a one-year period.

7.6. All amounts collected from the fines shall be deposited into the Solid Waste Enterprise Fund.

## **Section 8--Enforcement**

8.1. The provisions of these regulations shall be enforced by the Town of Amherst BOH, DPW, and Police Department. These agencies and their employees and agents are hereby designated as the Enforcement Agents of the Town of Amherst and have the authority to issue citations pursuant to these regulations.

8.2 The following may be done by designated Enforcement Agents:

A) Enforcement Agents may contact Waste Haulers to ascertain that service contracts and services are maintained at the minimum designated in these regulations.

B) Enforcement Agents may inspect refuse and recycling receptacles.

C) If a complaint regarding a property is received by authorized Agents, or if the Agent has information that illegal dumping is taking place, or that banned materials/hazardous wastes are included in refuse; Enforcement Agents may enforce these regulations through spot checks at any point from the place of pick-up to the place of disposal.

8.3. Any violation may be subject to the penalties outlined in Section 7 of these regulations and/or a non-criminal disposition pursuant to Chapter 40, Section 21 D, and/or Chapter 111, Sections 31, 31A, 31B and 150A, of Massachusetts General Law.

## **Section 9--Appeal**

9.1 Any party cited for a violation of these regulations may appeal such citation by filing a written notice of appeal with the Town of Amherst BOH within seven days, excluding Saturdays, Sundays, and legal holidays, from the date of said citation. A hearing will be held within 60 days from the date of the filing of the appeal. Written notice of the hearing date will be delivered to the applicant at least two weeks prior to the scheduled date. The hearing will be conducted in accordance with the established procedures of the BOH.

## **Section 10--Variances**

10.1. The BOH or its Agents, under the provisions of Chapter 105, Section 400.800, of the CMR, may allow variances to these regulations. Residents interested in applying for a variance must use a Variance Request Form available at the DPW. The Variance program allows residents and businesses to bring refuse and recyclables to the Amherst Transfer Station and Recycling Center. Refuse is accepted on a "pay as you throw" basis. A permit is required. For more information contact the DPW.

#### **Section 11--Severability**

11.1. If any section of these regulations is declared invalid or unenforceable for any reason, that decision shall not affect any other section of these regulations that shall remain in full force and effect.

#### **Section 12--Amendment Process**

12.1. These regulations may be revised or amended by the BOH.

12.2. Any revision, amendment of, or addition to, these regulations shall take effect after a majority vote of the BOH.

These regulations are effective January 1, 2006

Accepted: 1989

Reviewed and Revised: 6/30/93

Reviewed and Revised: 11/16/95

Reviewed and Revised: 12/15/98

Reviewed and Revised: 11/20/00

Reviewed and Revised: 12/15/05